

REMARKS/ARGUMENTS

Claims 1-36 are pending in the application. Reconsideration is requested in view of the above amendments and the following remarks.

Claims 1-4, 6-11, 18-19, 21-25, 34 and 36 stand rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,099,803 ("Tso"). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is hereby respectfully requested.

The Applicant's invention is not disclosed or suggested by the cited reference and should be patentable. The Examiner contends that Tso discloses a method and apparatus including a protocol parser, a protocol scanner, and a proscribed code scanner including a scanning means and an indicator whereby the protocol parser intercepts instant messaging or peer-to-peer code on a communications channel and transmits said code to said proscribed code scanner through said protocol scanner (referring to col. 6, lines 10-24 of Tso and contending that the parser performs the functions of both the protocol parser and the protocol scanner). Tso fails to teach, disclose or suggest the Applicant's present invention.

The Examiner, on pages 6-7 of the May 13, 2005 Office Action appears to acknowledge distinctions made by Applicant, but considers the claim language to not include the specific description referenced to by Applicant. Applicant has amended the claims in order to more clearly and particularly articulate the invention by reciting that the protocol parser discriminates among different protocols. Accordingly, each of the independent apparatus claims (1, 9, 11, 17) recites: "a protocol parser ..., capable of

discriminating among different protocols implemented on top of the transport layer.”

Similarly, each of the independent method claims (18, 34, 35, 36) recites: “wherein parsing said code comprises discriminating among different protocols.”

Applicant's invention claims a protocol parser and a proscribed code scanner. This is recited in each of the independent apparatus claims 1, 9, 11, 17, as well as in method claims 18, 34-36 which claim parsing and scanning steps. The Examiner's reliance on Tso is misplaced. What Tso actually describes is as follows:

As illustrated in FIG. 5, transcoding server 34 may include a transcoder 20 with a parser 22 and a plurality of transcode service providers 24. Parser 22 is configured to act upon data received by transcoder 20, such as a request for a network object generated by client device 12 or a reply to such a request provided by a content server or other device on network 18. In this particular example, parser 22 is responsible for selectively invoking one or more of transcode service providers 24 based upon a predetermined selection criterion. With reference to FIG. 1 and FIG. 4, virus checker 5 may be implemented, for example, as a transcoding service provider 24. Persons skilled in the art will recognize, however, that the functionality of transcoding service provider 24 may also be implemented in a router, a networking stack, or any other suitable network device.

The parser manages the transcoding of data to be transmitted from transcoding service provider. Applicant's invention recites:

An apparatus for processing code comprising: a protocol parser ***capable of discriminating among different protocols implemented on top of the transport layer***; and, a proscribed code scanner; whereby said protocol parser intercepts instant messaging or peer-to-peer code on a communications channel and transmits said code for review by said proscribed code scanner, said protocol parser being provided to parse protocols on top the transport layer.

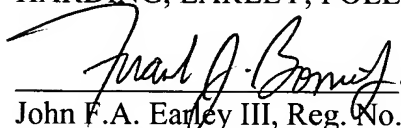
Applicant's claims refer to a communications channel, whereas Tso refers to a

server/network communications link 16. Tso states that the communications link may comprise any suitable communications media known in the art. It is one thing to intercept the stream as the Applicant's invention claims and does, but another thing to transcode content based on a predetermined selection criterion (see Tso col. 6 lines 42-43). In particular, Tso merely discloses a parser for use in connection with HTTP. Tso does not mention using a parser to parse protocols on top of the transport layer, as Applicant discloses and claims.

For the above reasons, Applicant's invention is distinguishable over the cited prior art and should be patentable.

For the same reasons, the Applicant's invention should also be patentable over the combination of Tso and Johnson, and even with the further combination of Elgamal.

Respectfully submitted,
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